IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH OCTOBER 2006 / 4TH KARTHIKA 1928

WP(C).No. 27958 of 2006(C)

PETITIONER:

M.VARUN VARGHESE,
S/O.M.A.VARGHESE, AGED 21 YEARS,
FULL TIME MENIAL, ST.FRANCIS HIGH SCHOOL FOR GIRLS
MATTOM, THRISSUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA,
   REP. BY THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
   JAGATHY, THIRUVANANTHAPURAM-14.

3. THE DEPUTY DIRECTOR OF EDUCATION,
   AYYANTHOLE, THRISSUR DISTRICT.

4. THE DISTRICT EDUCAITONAL OFFICER,
   CHAVAKKAD, THRISSUR DISTRICT.

5. THE MANAGER,
   ST.FRANCIS READING ASSOCIATION,
   MATTOM, THRISSUR DISTRICT.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

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W.P(C) No. 27958 OF 2006

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Dated this the 26th day of October, 2006

JUDGMENT

The petitioner claims that she was appointed as Full Time Menial in the school under the management of respondent No. 5 with effect from July 1, 2004. While working so, he was promoted as Junior Hindi Teacher in a leave vacancy with effect from September 17, 2004 to December 22, 2004. But the said appointment was refused to be approved citing the interdiction contained in G.O.(P) No.169/2004/G. Edn.dtd. 15.6.2004. Learned counsel submits that the said Government order is not applicable in the case of the petitioner, particularly, in view of Ext. P3 order issued by the Government (G.O.(P)No.31/2006/G.Edn.dtd. 19.1.2006). Though the manager had resubmitted the order of appointment for fresh consideration, the controlling officer declined to entertain the same, holding that the prayer for approval had already been rejected.

2. Any how, I do not propose to deal with the merit of the contentions raised by the petitioner at this stage, in view of the limited prayer made by the learned counsel at the Bar. It is submitted that the petitioner has preferred Ext. P2 representation before respondent No.2 under Rule 88 Chapter XIV of KER. The only prayer

is to issue a direction to respondent No. 2 to consider and pass orders on the said petition without any further delay.

3. In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No. 2 to consider and pass orders on Ext. P6 strictly on its merit and in accordance with the law as expeditiously as possible at any rate within two months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner and the manager of the school shall be afforded sufficient opportunity to be heard before any orders are passed on Ext. P6.

4. Petitioner shall produce a copy of the writ petition along with a certified copy of this judgment before respondent No. 2 for compliance.

The writ petition is disposed of in the above terms.

A.K. BASHEER,
JUDGE

csl